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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/918,659

07/31/2001

Michael E. Jammal

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2682

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08/12/2004

SQUARE D COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2645

5

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/918,659

**Applicant(s)**

JAMMAL, MICHAEL E.

**Examiner**

Olisa Anwah

**Art Unit**

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 3, 6-9, 13, 15-21, 23, 26-32, 36 and 38-43 are rejected under 35 U.S.C. § 102(e) as being anticipated by Beyda, U.S. Patent No. 6,002,944 (hereinafter Beyda).

Regarding claim 1, Beyda discloses a method of sending a message to a passenger in an airplane, the method comprising the steps of creating the message using a first communication device; transmitting the message to a messaging router; locating the passenger automatically by accessing a database of flight information; transmitting from the message router to the passenger through a second communication device a notification that the message is available for receipt by the passenger;

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requesting receipt of the message by the passenger through the second communication device; transmitting the message from the message router to the second communications device on the airplane; and receiving the message through the second communication device on the airplane (Figures 3A-3C and col. 10, line 33).

Regarding claim 3, see col. 10, line 33.

Regarding claim 6, see unit 111 from Figure 2.

Regarding claim 7, see unit 111 from Figure 2.

Regarding claim 8, see Figure 2.

Regarding claim 9, see unit 738 from Figure 3C.

Regarding claim 13, see column 1, lines 50-55.

Regarding claim 15, see column 5.

Regarding claim 16, see column 5.

Regarding claim 17, see Figure 3A.

Regarding claim 18, see 111 from Figure 2.

Regarding claim 19, see Figure 3A.

Regarding claim 20, see Figure 3A.

Claim 21 is rejected for the same reasons as claim 1.

Claim 23 is rejected for the same reasons as claim 3.

Regarding claim 26, see Figure 3B.

Regarding claim 27, see Figure 3C.

Regarding claim 28, see col. 10, line 33.

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Regarding claim 29, see unit 111 from Figure 2.

Regarding claim 30, see unit 111 from Figure 2.

Regarding claim 31, see Figure 2.

Regarding claim 32, see Figure 3C.

Claim 36 is rejected for the same reasons as claim 13.

Claim 38 is rejected for the same reasons as claim 15.

Claim 39 is rejected for the same reasons as claim 16.

Claim 40 is rejected for the same reasons as claim 17.

Claim 41 is rejected for the same reasons as claim 18.

Claim 42 is rejected for the same reasons as claim 19.

Claim 43 is rejected for the same reasons as claim 20.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 10 and 33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beyda in view of Puri, U.S. Patent No. 5,440,627 (hereinafter Puri).

With respect to claim 10, Beyda fails to teach the first communication device is a computer. However Puri discloses this limitation (see abstract and Figure 3B). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the computer taught by Puri. This modification eases human work as suggested by Puri (column 1).

Claim 33 is rejected for the same reasons as claim 10.

5. Claims 2 and 22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beyda in view of Chern, U.S. Patent Application Publication No. 2002/0194279 (hereinafter Chern).

With respect to claim 2, Beyda does not teach the message is a voice message. However Chern discloses this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the voice message taught by Chern. This modification provides for an easy way of sending email messages as suggested by Chern.

Claim 22 is rejected for the same reasons as claim 2.

6. Claims 4 and 24 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beyda in view of Silver et al, U.S.

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Patent Application Publication No. 2002/0023136 (hereinafter Silver).

With respect to claim 4, Beyda does not teach the message is an HTML file. However Silver discloses this limitation (see paragraph 0052). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with the HTML file taught by Silver. This modification allows for email with attachments as suggested by Silver.

Claim 24 is rejected for the same reasons as claim 4.

7. Claims 5 and 25 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beyda in view of Cho et al, U.S. Patent No. 6,332,156 (hereinafter Cho).

With respect to claim 5, Beyda does not teach the message includes scripts. However Cho discloses this limitation (see Figure 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda wherein the message includes scripts as taught by Cho. This modification would allow a sender to include an activity-performing application program along with an email message as suggested by Cho.

Claim 25 is rejected for the same reasons as claim 5.

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8. Claims 11, 12, 34 and 35 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beyda combined with Puri in further view of Sanger, U.S. Patent Application Publication No. 2001/0048436 (hereinafter Sanger).

Regarding claim 11, the combination of Beyda and Puri fails to teach the step of creating the message includes accessing a website. However Sanger discloses this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Beyda combined with Puri wherein the step of creating the message includes accessing a website as taught by Sanger. This modification provides a web-based system for sending an electronic mail message containing simulated human handwriting as suggested by Sanger.

Regarding claim 12, see paragraph 0032 of Sanger and NPCC computer of Beyda.

Claim 34 is rejected for the same reasons as claim 11.

Claim 35 is rejected for the same reasons as claim 12.

9. Claims 14 and 37 are rejected under 35 U.S.C § 103(a) as being unpatentable over Beyda combined with Bhagat et al, U.S. Patent No. 5,438,610 (hereinafter Bhagat).



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Regarding claim 14, Beyda does not teach notifying the passenger includes scrolling an individual passenger name across a display of the second communication device. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Beyda with scrolling an individual passenger name across a display of the second communication device. This modification allows for visual notification when one telephone corresponds to a plurality of seats as suggested by Bhagat (col. 10, lines 40-50).

Claim 37 is rejected for the same reasons as claim 14.

#### ***Response to Arguments***

10. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

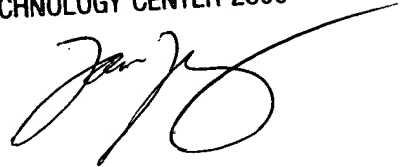
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah  
Patent Examiner  
July 26, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', is written over the printed name and title.